

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT REEVES,

Plaintiff,

Case No. 4:24-cv-11653

District Judge Shalina D. Kumar

Magistrate Judge Kimberly G. Altman

v.

STEPHNEY FLOREK,
BETH ROBINSON, CLARENCE
KELLY, C/O JOHN DOE, and
ALINDA FLOREK,

Defendants.

ORDER DENYING DEFENDANTS' MOTION TO STRIKE SURREPLY
(ECF No. 34)

I. Introduction

This is a prisoner civil rights case. Plaintiff Robert Reeves (Reeves), proceeding *pro se*, sues the above-captioned defendants under 42 U.S.C. § 1983 for violations of his First, Eighth, and Fourteenth Amendment rights as well as for “breaches of the Prison Rape Elimination Act[.]” (ECF No. 1). Defendants Alinda Florek, Beth Robinson, and Clarence Kelly, through counsel, have moved for summary judgment on the basis of exhaustion. (ECF No. 25).¹ Under 28 U.S.C.

¹ Defendant Stephney Florek, proceeding *pro se*, has filed an answer to the complaint generally denying the allegations against her. (ECF No. 22).

§ 636(b)(1), all pretrial matters have been referred to the undersigned. (ECF No. 13).

The pending motion for summary judgment is fully briefed, and Reeves filed an unauthorized surreply on November 19, 2024. (ECF No. 30). Defendants now move to strike Reeves' surreply. (ECF No. 34). For the reasons that follow, the motion will be DENIED.

II. Discussion

Generally, surreplies are not permitted under E.D. Mich. LR 7.1(d)(1). *See United States v. Holland*, No. 2:13-CV-10082, 2016 WL 11683308, at *5 (E.D. Mich. June 1, 2016). But the court may permit otherwise under the local rule under certain circumstances. *Key v. Shelby Cty.*, 551 F. App'x 262, 265 (6th Cir. 2014). Here, rather than strike Reeves' surreply, the better course is to direct defendants to file a response to the surreply if they so choose. The length of this filing shall not exceed 7 pages without leave of Court, and it shall be filed on or before **December 11, 2024**. No further filings shall be made by either party regarding the motion for summary judgment (ECF No. 25) unless requested by the Court.

SO ORDERED.

Dated: December 5, 2024
Detroit, Michigan

s/Kimberly G. Altman
KIMBERLY G. ALTMAN
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 5, 2024.

s/Donald Peruski
Donald Peruski
Acting Case Manager